

भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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No. 12]

NEW DELHI, FRIDAY, MAY 28, 1971/JYAISTHA 7, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th May, 1971:—

BILL No. 10 OF 1971

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971.
2. Article 314 of the Constitution shall be omitted.

Short
title.

Omission of
article
314.

STATEMENT OF OBJECTS AND REASONS

In the present context of social changes, retention of article 314 of the Constitution is anachronism. The special privileges guaranteed to the I.C.S. Officers have helped to perpetuate inequalities among the All-India Services. The I.C.S. Officers have entrenched themselves in the administrative set up of the country and made it impervious to changes and innovations especially in the spheres of economic development. It is high time that these privileges are done away with. The Bill seeks to achieve this objective.

NEW DELHI;

CHINTAMANI PANIGRAHI.

The 18th March, 1971.

BILL No. 9 of 1971***A Bill further to amend the Constitution of India***

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

- | | |
|--|--|
| 1. This Act may be called the Constitution (Amendment) Act, 1971. | Short
title. |
| 2. Articles 291 and 362 of the Constitution shall be omitted. | Omission
of articles
291 and
362. |
| 3. In article 366 of the Constitution, clause (22) shall be omitted. | Amend-
ment of
article
366 |

STATEMENT OF OBJECTS AND REASONS

The people of India have, in clear terms, indicated their will in the General Elections held recently for the constitution of the Fifth Lok Sabha that they aspire for a social order where the institution of rulership, with privy purses and special privileges, should not be allowed to exist as it is against the concept of an egalitarian society. It will be one further step, howsoever small, towards the goal of achieving egalitarian social order which the people are aspiring for.

Hence this Bill.

NEW DELHI;
The 18th March, 1971.

CHINTAMANI PANIGRAHI.

BILL NO. 6 OF 1971

A Bill to provide for the medical check-up of the Members of Parliament from time to time at the All India Institute of Medical Sciences, New Delhi, and for matters connected therewith.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (i) This Act may be called the Health (Periodical Medical Check-up of Members of Parliament) Act, 1971.

(ii) It shall come into force at once.

Short
title and
com-
mence-
ment.

2. In this Act, "members" means the members of Lok Sabha and Rajya Sabha.

Definition.

Medical
check-
up of
members.

3. (1) The members, on taking their seats in Lok Sabha or Rajya Sabha, as the case may be, and thereafter every six months, shall get themselves medically examined by a panel of specialists comprising the Director and the Heads of Departments of Medicine, Surgery and Pathology of the Institute.

(2) The panel of specialists shall request the member or members to remain in the Institute till such time as, in the opinion of the panel, may be necessary for the medical check-up.

Investiga-
tion report
and treat-
ment by
specialists.

4. (1) It shall be the duty of the panel of specialists to—

(i) make a thorough investigation of the state of health of the members and prescribe the best remedies including medicines, the need for rest or change of climate, etc., in order to ensure their good health;

(ii) make a report in writing after the check-up stating the condition of their health.

(2) In case of the slightest doubt in regard to any ailment, major or minor, observed during the process of investigation or check-up, it shall be the duty of the panel of specialists to recommend to the Government that the members be requested to enter the Institute for observation and remain there till such time as the panel considers necessary or till the ailment is diagnosed and properly treated.

Reports of
specialists
to be laid
on the
Table
of the
House of
Parliament

5. The Report of the panel of specialists in respect of the members shall be laid on the Table of the House of Parliament of which he is a member.

STATEMENT OF OBJECTS AND REASONS

Our several able members of Parliament have died in harness in quick succession. The heavy work-load connected with Parliamentary duties of members causes tension, fatigue and exhaustion and results in poor state of health. It is, therefore, desirable that the health of members whose lives are very dear and precious to the nation should be looked after properly and they should be checked up medically from time to time to ensure good health to them and satisfaction to the entire nation.

Hence this Bill.

NEW DELHI;

YAMUNA PRASAD MANDAL.

The 18th March, 1971.

FINANCIAL MEMORANDUM

The Members of Parliament are covered by the Central Government Health Scheme. Hence, no extra expenditure is likely to be incurred out of the Consolidated Fund of India on account of initial medical check-up of members and periodical check-up thereafter.

BILL NO. 7 OF 1971

A Bill to provide for the medical check-up of the President and the Prime Minister of India from time to time at the All India Institute of Medical Sciences, New Delhi and for matters connected therewith.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (i) This Act may be called the Health (Periodical Medical Check-up of President and Prime Minister of India) Act, 1971.

Short
title and
commen-
cement.

(ii) It shall come into force at once.

Definitions.

2. (i) "President" means the President of India.

(ii) "Prime Minister" means the Prime Minister of India.

(iii) "Institute" means the All India Institute of Medical Sciences, New Delhi.

Periodical
check-up
of the
President
and the
Prime
Minister.

3. (i) The President and the Prime Minister of India on assuming charge of their respective offices and thereafter every three months shall get themselves medically examined by a panel of specialists comprising the Director and the Heads of Departments of Medicines, Surgery and Pathology of the Institute.

(ii) The panel of specialists shall request the President and Prime Minister to remain in the Institute till such time as, in the opinion of the panel, might be necessary for the medical check-up.

Duties of
the panel
of specia-
lists.

4. (1) It shall be the duty of the panel of specialists to—

(i) make a thorough investigation of the state of health of the President and the Prime Minister and prescribe the best remedies including medicines, the need for rest or change of climate, etc., in order to ensure their good health;

(ii) make a report in writing after the check-up stating the condition of their health.

(2) In case of the slightest doubt in regard to any ailment, major or minor, observed during the process of investigation or check-up, it shall be the duty of the panel of specialists to recommend to the Government that the President or the Prime Minister, as the case may be, be requested to enter the Institute for observation and remain there till such time as the panel considers necessary or till the ailment is diagnosed and properly treated.

Reports
of specia-
lists to
be laid
before
Houses
of Parlia-
ment.

5. The report of the panel of specialists shall be laid on the Table of both Houses of Parliament from time to time.

Medical
Officer to
accompany
the Presi-
dent or the
Prime
Minister
on tours.

6. Whenever the President or the Prime Minister goes out of Delhi or out of the country, a medical officer shall accompany him with necessary medical aid implements, etc.

STATEMENT OF OBJECTS AND REASONS

Our two able and well-known Prime Ministers have died in harness in quick succession. The heavy work-load, which ought to have been followed up by proper medical attention, care and check-up from time to time, would undoubtedly go a far way in lessening the tension, fatigue and exhaustion. It is suggested that the President and the Prime Minister whose lives are very dear and precious to the nation should be looked after properly and they should be checked up medically from time to time to ensure good health to them and satisfaction to the entire nation.

Hence this Bill.

NEW DELHI;
The 18th March, 1971.

YAMUNA PRASAD MANDAL

FINANCIAL MEMORANDUM

Clause 6 of the Bill will involve expenditure from the Consolidated Fund of India on account of the travelling expenses of the Medical Officer who will accompany the President and the Prime Minister on their tours. Although it is not possible to assess the exact amount of the expenditure involved, it is expected that a sum of rupees fifty thousand per annum will be sufficient for this purpose.

BILL No. 5 of 1971

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.

2. In the Eighth Schedule to the Constitution,—

(a) entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively, and Amendment of Eighth Schedule.

(b) before entry "8" as so re-numbered, the entry "7. Maithili." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under the Eighth Schedule to the Constitution, only 15 languages of India have been recognised. "Maithili" is one of the major languages of India spoken by nearly two crores of people and claims vast literature dating back to centuries. It is but fair that "Maithili" language is also recognised as one of the major languages and incorporated in this Schedule.

The Bill seeks to achieve this objective.

NEW DELHI;
The 18th March, 1971.

YAMUNA PRASAD MANDAL

BILL No. 24 OF 1971

A Bill to provide for pension and other amenities for the ex-Members of Parliament

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Pension and other Amenities for the ex-Members of Parliament Act, 1971. Short title.

2. A member shall, on ceasing to be a member of either House of Parliament,— Pension, free transit by Railway and medical facilities after ceasing to be a member.

(a) be entitled to receive a pension at the rate of one hundred rupees per mensem;

(b) be provided either with one free non-transferable first class pass or with three free non-transferable third class passes, one for the ex-member, one for the spouse and one for the attendant which shall entitle him or them, as the case may be, to travel at any time by any railway in India upto the maximum limit of ten thousand kilometres per year; and

(c) be provided with the medical facilities in the State dispensaries on the lines of the C.G.H.S.

STATEMENT OF OBJECTS AND REASONS

After serving the Nation in their capacity as Members of Parliament, some of the Members, on ceasing to be Members of Parliament, are left wholly dependent financially on others which is not in keeping with the dignity of the Members of Parliament. The purpose of this Bill is to remove the impediments in the way of ex-Members who would naturally continue to serve the society even after ceasing to be Members. Furthermore, this provision regarding pension and other amenities will be an incentive to attract good talent from all walks of life to Parliament. This system of granting pension and other amenities is prevalent in nearly all other parts of the world.

In the U.K., pensions are paid to Members and their dependants from a fund established by an Act, to which the Members contribute annually.

In the USA, Members can participate, on a contributory basis, in the general federal retirement and pension system with annuities normally starting after five years of service and attaining the age of 62. In case of death of the Member, the annuity is payable to the surviving spouse or children.

In Australia, pensions are paid to Members of Parliament from the Parliamentary Retiring Allowances Fund which consists of contributions by Members, moneys paid by Government and income derived from investments. In Belgium, each House has a pensions fund to which Members contribute annually and from which Members are paid pensions after they reach the age of 55.

Similarly, pensions are paid to Members on their retirement in Canada, Denmark, France, Netherlands, New Zealand, Norway and South Africa, mostly from funds to which Members also contribute. In some of the aforesaid countries pensions are paid to the widows and minor children of a deceased Member.

Hence the Bill.

NEW DELHI;

YAMUNA PRASAD MANDAL.

The 20th March, 1971.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for payment of pension and certain other amenities to members on their ceasing to be Members of Parliament. The amount of recurring expenditure on this account is likely to be in the neighbourhood of rupees fifteen lakhs annually. The Bill will not involve any non-recurring expenditure.

BILL NO. 21 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short
title.
2. In the Eighth Schedule to the Constitution,—Amend-
ment on
Eighth
Schedule.
 - (a) after entry 2, the entry “2A. Bhojpuri.” shall be inserted.
 - (b) after entry 6, the entry “6A. Maithili.” shall be inserted, and
 - (c) after entry 10, the entry “10A. Rajasthani.” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Eighth Schedule to the Constitution contains the names of fifteen languages of India. But Maithili, Rajasthani and Bhojpuri do not find place there. Maithili is a very rich language and has literary history of above seven hundred years. It is the mother tongue of more than fifteen millions of people. It is recognised for post-graduate studies in the Universities of Calcutta, Bihar, Patna, Allahabad, etc., and there has been widespread demand for its inclusion in the Eighth Schedule to the Constitution. Besides, it is the mother tongue of a large and populous part (Terai of Nepal whose inhabitants have regular social, cultural academic and commercial dealings with their Maithili-speaking neighbours of India, mainly in North Bihar.

Rajasthani is a language of immense importance spoken by overwhelming majority of the people of Rajasthan. Similarly, Bhojpuri is the mother tongue of the inhabitants of a vast area inhabiting the western parts of Bihar and eastern U.P. It has been developing speedily during the last several decades. The inclusion of these three languages in the Eighth Schedule to the Constitution will immensely help the cause of literacy and consequent advancement of the vast masses of the illiterate and semi-literate billions whose mother tongues they are. This, in its turn, will accelerate the development of Hindi as our national link language.

Hence the Bill.

BHOGENDRA JHA.

NEW DELHI;

The 20th March, 1971.

BILL No. 25 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.
2. In Part III of the Constitution of India,—Amendment of Part III.
 - (a) in article 15, in clause (4), after the word “socially”, the word “economically” shall be inserted;
 - (b) in article 16, in clause (2), after the word “religion”, the words “political views” shall be inserted;
 - (c) in article 19,—
 - (i) clauses (2), (3) and (4) shall be omitted;
 - (ii) in clause (5), for the words, brackets and letters “sub-clauses (d), (e) and (f)” the words, brackets and letter “sub-clause (f)” shall be substituted;
 - (iii) clauses (5) and (6) shall be re-numbered as clauses (2) and (3) respectively; and
 - (d) in article 22,—
 - (i) in clause (3), sub-clause (b) shall be omitted;
 - (ii) in clause (4), the word “unless” and the sub-clauses (a), and (b) shall be omitted;
 - (iii) clauses (6) and (7) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Part III of the Constitution of India deals with the Fundamental Rights which constitute the main democratic contents of our Republic. It is apparent that a big section of our people are 'socially and educationally' backward and this backwardness has to be ended soon. But experience has shown that economic backwardness makes the task of ending social and educational backwardness difficult. Hence, the need for inserting the word 'economically' along with the words socially and educationally in article 15. Article 16 provides for safeguards against discrimination on the grounds of religion, caste, etc. But there have been frequent complaints of discrimination on grounds of political views. Hence, the need for safeguards against the same, too. Article 19 provides for Rights to Freedom. But clauses (2), (3), (4) and the mention of (d) and (e) of clause (1) in clause (5) unnecessarily take away whatever is given in clause (1) and powers of the executive and bureaucracy become dominating over the Right to Freedom. Hence, the necessity of the deletion of these clauses. In the same manner in article 22, sub-clauses (a) and (b) of Clause (4) and clauses (6) and (7) increase the power of the executive to detain a citizen without trial endlessly. Hence, the necessity of deleting them. The provision for detention without trial for a period upto three months in clause (4) will serve the purpose adequately.

Hence the Bill.

BHOGENDRA JHA.

NEW DELHI:

The 19th March, 1971.

BILL NO. 23 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.
2. In the heading of Part IV of the Constitution, the word "Directive" shall be omitted. Amendment of heading of Part IV.
3. In article 37 of the Constitution, for the words "shall not be enforceable by any court, but the principles therein laid down are nevertheless", the word "are" shall be substituted. Amendment of Article 37.

STATEMENT OF OBJECTS AND REASONS

Part IV of the Constitution is a very important part of our Constitution. But giving it the name of "Directive" and barring its enforcement by any Court of Law has put a premium on its defiance by the Government. Rather legislation even contradictory to the provisions of this Part and even going in the opposite direction cannot be questioned in any Court of Law. This has made our Constitution a laughing stock. It is high time that after the lapse of twenty-three years of Independence and in the twenty-second year of our Republic we remove the bar from the Courts of Law with regard to the enforcement of the provisions of this Part.

Hence this Bill.

NEW DELHI;
The 20th March, 1971,

BHOGENDRA JHA.

BILL NO. 36 OF 1971

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1971. Short title.

2. After section 8 of the Salaries and Allowances of Members of Parliament Act, 1954, the following new section shall be inserted, namely:— Insertion of new section 8A.

“8A. A member shall, on ceasing to be a member of either House of Parliament,— Pension and free transit by Railway after ceasing to be a member.

(i) be entitled to receive a pension at the rate of three hundred rupees per mensem;

(ii) be provided with one free non-transferable first class pass which shall entitle him to travel at any time by any railway in India upto the maximum limit of ten thousand kilometres per year."

STATEMENT OF OBJECTS AND REASONS

After serving the cause of the Nation in their capacity as Members of Parliament, some of the Members, on ceasing to be Members of Parliament are left stranded in life as it is too late for them to adopt any vocation at that late stage. The purpose of this Bill is to instil in the Members a sense of security by ensuring a pension for them after they ceased to be Members of Parliament. Furthermore, this provision regarding pension will be an incentive to attract good talent from all walks of life to Parliament. It is also proposed to give them a minor travel facility.

NEW DELHI;

PANNA LAL BARUPAL.

Dated the 22nd March, 1971.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for payment of pension and certain travelling facilities to members on their ceasing to be Members of Parliament. The amount of recurring expenditure on this account is likely to be in the neighbourhood of rupees fifteen lakhs annually. The Bill will not involve any non-recurring expenditure.

BILL No. 45 OF 1971

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-second year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1971. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Amendment of the Seventh Schedule.

2. In the Seventh Schedule to the Constitution:—

(i) in List II—State List, entry 11 shall be omitted;

(ii) in List III—Concurrent List, after entry 25, the following new entry shall be inserted, namely:— Amendment of the Seventh Schedule.

“25A. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I”.

STATEMENT OF OBJECTS AND REASONS

The task of re-constructing the educational system and to foster its creative development is a task of supreme national importance. Educational integration is a primary pre-requisite of national integration. The objective of educational integration would remain a far cry unless the Union jurisdiction is extended to cover the field of education concurrently with the States.

Hence this Bill.

NEW DELHI;

S. C. SAMANTA.

The 29th March, 1971.

BILL No. 46 OF 1971

A Bill further to amend the Child Marriage Restraint Act, 1929

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Child Marriage Restraint (Amendment) Act, 1971. Short title.

2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (19 of 1929) (hereinafter referred to as the principal Act), for the word “eighteen”, the word “twenty-one” and for the word “fifteen”, the word “eighteen” shall be substituted. Amendment of section 2.

3. In section 3 of the principal Act—

(a) the words “above eighteen years of age and” shall be omitted; and Amendment of section 3.

(b) after the word “twenty-one”, the words “years of age” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

If we are to survive as a virile, robust and progressive nation, and if we are to raise the standard of living of the masses, we must protect the health of the youth and check the growth of population and both these objectives can be achieved by raising the age for marriage. Fertility is highest between the ages of 15 and 25 and, therefore, raising the age of marriage will go a long way to solve our economic, health, medical, mental, moral and other problems. Our goal of Welfare State can best be achieved by developing a race of limited number of robust men and women.

Hence this Bill.

NEW DELHI;
The 29th March, 1971.

S. C. SAMANTA

BILL NO. 47 OF 1971

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1971.

Short
title and
com-
mence-
ment.

(2) It shall come into force at once.

45 of 1860. 2. In section 309 of the Indian Penal Code, 1860 (45 of 1860), after the words "such offence" the words "or threatens to undertake fast unto death for acceptance of any of his demands" shall be inserted.

Amend-
ment of
section
309.

STATEMENT OF OBJECTS AND REASONS

Under the present section 309 of the Indian Penal Code, only those who attempt to commit suicide can be punished, but no action can be taken against those who go on hunger strike or undertake fast with a view to put undue pressure for acceptance of their demands.

The purpose of the present amendment is to make such provision so that whoever resorts to hunger strike or undertakes fast with ulterior motive may be duly punished and criminal action may be taken against him.

There is great urgency for such a provision as such cases are increasing and people are adopting the weapon of hunger strike or fast to get their demands accepted.

Hence this Bill.

NEW DELHI;

The 29th March, 1971,

S. C. SAMANTA.

BILL No. 49 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971.
2. In article 240 of the Constitution, in sub-clause (a) of clause (1), for the words “the Andaman and Nicobar Islands”, the words “Shaheed and Swaraj Dwips” shall be substituted.
3. In the First Schedule to the Constitution, under the heading “II. THE UNION TERRITORIES”, for the figure and words “5. The Andaman and Nicobar Islands”, the figure and words “5. The Shaheed and Swaraj Dwips” shall be substituted.

Short title.
Amend-
ment of
article 240.

Amend-
ment of
First
Schedule.

STATEMENT OF OBJECTS AND REASONS

The Andaman Islands have a very close and intimate connection with the struggle for independence of the country. A number of stalwards, notably Lokmanya Tilak, Barindra Kumar Ghose, Abinash Bhattacharrya, Lala Lajpat Rai, V. D. Sarvarkar and others were at some time or the other imprisoned there. Moreover, on 31st December, 1943, Netaji Subhash Chandra Bose, as the head of the Azad Hind Government, set his foot on free Andaman's territory and decided to rename the Andaman and Nicobar Islands as the Shaheed (Martyrs) and Swaraj (Independence) Islands.

So the public opinion in the country has been strongly in favour of changing the name of these Islands to commemorate the memory of all those martyrs who sacrificed their lives for their country and also to show the greatest respect to Netaji Subhash Chandra Bose by accepting the names given by him to these Islands. Views have been expressed within and outside Parliament that these Islands should be more appropriately named "The Shaheed and Swaraj Dwips" in glowing tributes to our revolutionary leaders. Moreover, because of the "Shaheeds" (Martyrs) we have been able to win Swaraj, that is, independence. Therefore, in the fitness of things, these islands should be named "Shaheed and Swaraj Dwips".

Hence this Bill.

NEW DELHI;
The 1st April, 1971.

B. K. DASCHOWDHURY.

BILL No. 53 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.
2. After article 339 of the Constitution, the following article shall be inserted, namely:— Insertion
of new
article
A

“339A. (1) The President may at any time and shall, at the expiration of twenty-one years from the commencement of this Consti- Control of
the union
over the

welfare
of the
Scheduled
Castes.

tution by order appoint a Commission to report on the welfare of the Scheduled Castes in the States.

The order may definite the composition powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.

(2) The executive power of the Union shall extend to the giving of directions to a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Castes in the State."

STATEMENT OF OBJECTS AND REASONS

Even after more than twenty-three years of independence, with three-Five Year Plans, the condition of the Scheduled Castes in the country has not substantially improved socially, economically or educationally and there has not been any proper and comprehensive assessment of the progress made by them so far. Hence, a Commission is quite necessary to evaluate the progress made and to report on the welfare of the Scheduled Castes.

Besides, the schemes under the Five Year Plans for the welfare of the Scheduled Castes and most of the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes year by year are not implemented by the State Governments expeditiously and effectively. It is very necessary and desirable that the Central Government should be invested with power to issue directions to the States to implement them.

Hence this Bill.

NEW DELHI;
The 5th April, 1971

S. M. SIDDAYYA,

FINANCIAL MEMORANDUM

The appointment of a Commission for the Scheduled Castes will entail expenditure from the Consolidated Fund of India on account of the travelling expenses of the members of the Commission and the staff required for it. It will be approximately Rs. 25,000.

BILL No. 44 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

- | | |
|--|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1971. | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. In article 15 of the Constitution,— | Amendment of article 15. |
| (a) in clause (1), the word "caste," shall be omitted; | |
| (b) in clause (2), the word "caste," shall be omitted; and | |
| (c) in clause (4), for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted. | |

- Amend-
ment of
article
16.
3. In article 16 of the Constitution, in clause (2), the word "caste," shall be omitted.
- Substitu-
tion of
article 17.
4. For article 17 of the Constitution, the following article shall be substituted, namely,—
- Abolition
of Caste
and Un-
touch-
ability.
- '17. Caste and "Untouchability" are abolished and their practice in any form is forbidden. The enforcement of any disability arising out of caste or "Untouchability" shall be an offence punishable in accordance with law.'
- Amend-
ment of
article 23.
5. In article 23 of the Constitution, in clause (2), the words "caste or" shall be omitted.
- Amend-
ment of
article 29.
6. In article 29 of the Constitution, in clause (2), the word "caste," shall be omitted.
- Amend-
ment of
article 46.
7. In article 46 of the Constitution, for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
164.
8. In article 164 of the Constitution, in proviso to clause (1), for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
330.
9. In article 330 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
332.
10. In article 332 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
334.
11. In article 334 of the Constitution, in clause (a), for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
335.
12. In article 335 of the Constitution, for the words "Scheduled Castes", the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
338.
13. In article 338 of the Constitution, for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted.
- Amend-
ment of
article
341.
14. In article 341 of the Constitution,—
- (a) for the word "castes" wherever it occurs, the word "classes" shall be substituted;
- (b) for the words "Scheduled Castes" wherever they occur, the words "Scheduled Classes" shall be substituted; and
- (c) for the word "caste", the word "class" shall be substituted.
- Amend-
ment of
article
366.
15. In article 366 of the Constitution, in clause (24), for the words "Scheduled Castes" and "castes" wherever they occur, the words "Scheduled Classes" and "classes" shall be substituted respectively.

STATEMENT OF OBJECTS AND REASONS

Caste is anti-social, anti-democratic and anti-national. The statutory recognition to castes provided in various articles of the Constitution is against the very letter and spirit of the Constitution. The Constitution makers visualised the establishment of a casteless society and the leaders have also been proclaiming that there has to be such a society in the country. This objective can never be realised unless caste as an institution is derecognised by deleting it from the Constitution.

Certain safeguards are provided in the Constitution for Scheduled Castes as they are the weakest section of the Society. Those safeguards will have to continue as long as they are required and the Scheduled Castes may be re-designated as Scheduled Classes to enable them to take advantage of these safeguards.

Untouchability already stands abolished in the Constitution, but it being only an offshoot or a concomitant of the caste system has not been and cannot be actually abolished unless and until caste is also abolished.

Hence this Bill.

NEW DELHI;
The 5th April, 1971.

S. M. SIDDAYYA.

BILL No. 57 OF 1971

A Bill to restrict the conversion of religion of minors

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short
title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Prevention of Conversion Act, 1971.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “follower” means a person who has faith in any religion and follows it;

(b) “major” means a person who has attained the age of 21 years;

(c) “religion” means any religion prevalent in India which is followed by any citizen of India.

3. The religion of every minor Indian citizen shall be one which is followed by his parents and it shall be recorded accordingly.

Religion of a minor.

4. (1) No minor shall have the right to change his religion.

No right to change religion.

(2) If a minor of his own accord or under any influence or allurement changes his parental religion or declares that he has already changed his religion, such an act shall be treated as illegal.

5. Any person who converts a minor person or attempts to convert him or assists in his conversion or exerts pressure for his conversion or gives any allurement for his conversion or gives any suggestion for his conversion, shall commit an offence punishable with rigorous imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

Conversion of minor by a person to be a punishable offence.

6. Any major person who wants to change his religion shall have to obtain the permission of the District Magistrate of his area by submitting an affidavit, as in the Schedule, before the said District Magistrate.

Right of a major to change his religion.

7. (1) The Central Government shall have power to make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

(See section 6)

AFFIDAVIT

I, s/o.....of..... years of age, resident of declare that so far I have been following (name of religion). But now I am wilfully, without any pressure or allurements, changing my religion and am embracing..... (name of religion).

Signature of applicant

Signatures of witnesses
along with full name
and address.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

STATEMENT OF OBJECTS AND REASONS

The purpose of this Bill is to check the conversion of religion of minor boys and girls. In every corner of India many persons and organisations are engaged in converting minor persons. Conversion of a minor in a state of ignorance, through allurements or pressure or in any other way, is improper, unjustified and undesirable. The present situation in the country has created serious problems. It is, therefore, essential to check this inhuman act.

Hence the Bill.

NEW DELHI;

JAGANNATH RAO JOSHI.

The 24th April, 1971.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. The rule making power relates to administrative procedure only and is of a normal character.

BILL No. 52 OF 1971

A Bill further to amend the Hindu Succession Act, 1956

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Succession (Amendment) Act, 1971. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. insertion of new section 24A.

30 of 1956. 2. After section 24 of the Hindu Succession Act of 1956 the following new section shall be inserted, namely:— Re-marriage and conversion to disqualify widows,

“24A. Where, before or after the commencement of this Act, a Hindu widow remarries or has ceased or ceases to be a Hindu by conversion to another religion, she shall divest herself of the estate inherited from her husband and it shall pass to the next heirs or her deceased husband as if she had then died.”

STATEMENT OF OBJECTS AND REASONS

Under the Hindu Succession Act, 1956, a widow of a male Hindu dying intestate inherits simultaneously with sons, daughters and other heirs specified in class I of the schedule thereof and she takes her share absolutely. Remarriage or conversion of a Hindu widow to any other religion are not considered, under the Act, as grounds for divesting her of the property inherited from her husband. Although Hindu Widows Re-marriage Act, 1856 has not been repealed, section 4 of the Hindu Succession Act, 1956, in effect, abrogates the operation of that Act in the case of a Hindu widow who succeeds to the property of her husband. Further, section 26 of the Hindu Succession Act, 1956, deals with certain disqualifications ensuing upon change of religion, but does not affect the rights of a widow who has succeeded to her husband. Share in the property of the husband was given to the widow in order to make a definite provision for her to lead an honourable life as a widow. If she remarries or changes her religion, then the very purpose for which the provision was made stands frustrated and as such it is desirable that she should be divested of the property which she inherited from her husband and the same should be inherited by heirs of the husband.

Hence the Bill.

NEW DELHI;
The 24th April, 1971.

JAGANNATH RAO JOSHI,

BILL NO. 58 OF 1971

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1971.

Short title
and com-
mencement.

(2) It shall come into force at once or on such date retrospectively or otherwise as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 7 of the Representation of the People Act, 1951, the following new section shall be inserted, namely:—

Insertion
of new
section 7A.

“7A. A person shall be disqualified for being chosen as, and for being, a member of the House of the People or the Legislative Assembly of a State, if his action or conduct as a Minister has caused loss to the Union or State Exchequer or he has been found guilty by a court of law or a commission of inquiry of any kind of corrupt practice, as the case may be.”

Disquali-
fication for
causing
loss to
the Ex-
chequer in
his con-
duct as a
Minister
or if found
guilty
of corrupt
practice.

STATEMENT OF OBJECTS AND REASONS

The recommendations made by the Mudholkar Commission need a careful consideration because of their intrinsic merit inasmuch as they have been made in order to ensure high standards of rectitude in public service. To achieve this aim it is necessary to introduce a provision to disqualify a person for being a member of the House of the People or Legislative Assembly of a State in case the said member during his tenure as a Minister is held by his act and conduct to have caused loss to the Union or the State Exchequer or had been found guilty by a court of law or a Commission of inquiry of any kind of corrupt practice. Such a provision would go a long way to eliminate the instances of abuse of power, arbitrary action and favouritism. With this object in view necessary amendments are desirable in the Representation of the People Act, 1951.

Hence the Bill.

NEW DELHI;

JAGANNATH RAO JOSHI

The 24th April, 1971.

BILL No. 59 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1971.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 39 of the Constitution, after clause (f), the following clause shall be added, namely:—

“(g) that childhood and youth are provided with compulsory moral teaching in every educational institution wholly maintained or receiving aid out of State funds.”

Short
title and
Com-
mence-
ment.

Amend-
ment of
article

39.

STATEMENT OF OBJECTS AND REASONS

The children and youth of today are the future hope of the country. The growing indiscipline in the youth of the country is not a happy sign. They require proper moral instructions which would go a long way in building their character. The educational policy of the country should thus be directed in finding a remedy for this shortcoming. This can only be attained by making provision for imparting compulsory moral teachings in all educational institutions maintained or given aid out of the State funds. This view is also supported by the report of the Education Commission.

Hence the Bill.

NEW DELHI;
The 24th April, 1971.

BISHWANATH JHUNJHUNWALA.

BILL NO. 56 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971. Short title.
2. In article 330 of the Constitution, in clause (2),— Amendment of article 330.
 - (a) the words “as nearly as may be, the same proportion” shall be omitted; and

(b) for the word “as” after the words “House of the People”, the words “a proportion not less than” shall be substituted.

Amend-
ment of
article 332

3. In article 332 of the Constitution, in clause (3),—

(a) the words “as nearly as may be, the same proportion” shall be omitted; and

(b) for the word “as” after the word “Assembly”, the words a proportion not less than” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Clause (2) of article 330 and clause (3) of article 332 of the Constitution, as at present worded, provide for reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies in the ratio "as nearly as may be" in which their population is to the total population of the State or the Union territory, as the case may be. It is noticed that while reserving seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies, the fraction of the population of Scheduled Castes and Scheduled Tribes in excess of the integral number of their ratio is ignored and shelter is taken under the words "as nearly as may be". It is felt that the number of seats reserved for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies should in no case be less than the ratio of their population in a State or Union territory. It may also be pointed out that in clause (4) of article 332 of the Constitution the phraseology of "a proportion not less than the population" is used and not that of "as nearly as may be". Even from the point of view of drafting and uniformity of Language in the Constitution, the amendment suggested by me is necessary. Hence, amendment of articles 330 and 332 of the Constitution is proposed in the Bill.

NEW DELHI;

HUKAM CHAND KACHWAL.

The 24th April, 1971.

BILL No. 62 OF 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1971.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article
348.

2. In article 348 of the Constitution, in clause (1), the words "or in the official language of the Union, namely, Hindi in Devanagari script" shall be added at the end.

STATEMENT OF OBJECTS AND REASONS

Article 348 of the Constitution declares that the official language of the Union shall be Hindi in Devanagari script. At present all proceedings in the Supreme Court and every High Court are being done in English language. Our Constitution has been in force for more than 20 years and it is rather unfortunate that Hindi is not allowed to be used in proceedings of the Supreme Court and of the High Courts. Article 349 provides that during the period of 15 years from the commencement of the Constitution, no Bill making provision for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved without the sanction of the President. The said 15 years have expired but still Hindi language is not allowed to be used in proceedings in the Supreme Court or in the High Courts. It would be in fitness of things, if the official language of the Union is allowed to be used alongwith English in all proceedings in the Supreme Court and in every High Court. With this object in view the present amendment is necessary and would go a long way in enhancing national prestige.

Hence this Bill.

NEW DELHI:

HUKAM CHAND KACHWAL.

The 24th April, 1971.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 348 of the Constitution with a view to provide for use of Hindi language along with English in the Supreme Court and the High Courts and for other purposes as specified in clause (1) of article 348. This is likely to involve a recurring expenditure of about Rs. 5 lacs annually in respect of Supreme Court and High Courts in the Union territories.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

BULL No. 61 of 1971

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1971. Short
title and
com-

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. mence-
ment.

2. In the Seventh Schedule to the Constitution, in List I—Union List, after entry 54, the following new entry shall be inserted, namely:— Amend-
ment of
the

“54A. Preservation and improvement of breeds, and prohibiting the slaughter of cows and calves, oxen and other milch and draught cattle.” Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

Necessary attention has not been devoted to the task of organising agriculture and animal husbandry. Although, article 48 lays down the necessity for this, yet a uniform policy in this direction has not been evolved. The aim and object of article 48 can be speedily and effectively achieved if Parliament is empowered to legislate on matters relating to the promotion of animal husbandry in all its vital aspects.

Hence this Bill.

HUKAM CHAND KACHWAL.

NEW DELHI;

The 24th April, 1971.

BILL No. 51 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971.

Short
title.

2. For article 43 of the Constitution, the following article shall be substituted, namely:—

Substitu-
tion of
article 43.

“43. The State shall, before the General Elections to be held in 1976, secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage equivalent in its purchase value to the purchase value of money prior to the independence of the country and conditions of work ensuring full enjoyment of leisure and social and cultural opportunities, failing which the President may thereafter form a multi-party Government based upon the talent which he may consider proper.”

Forma-
tion of a
multi-
party
Govern-
ment by
the Presi-
dent in
the event
of the
State
failing to
secure
living
wage etc.
for
workers
by 1976.

STATEMENT OF OBJECTS AND REASONS

The rise in prices has been more than the rise in income of the workers during the last 23 years. The result of this disproportionate rise in incomes and prices is the present dissatisfaction amongst the workers. Article 43 of the Constitution regarding the Directive Principles of State Policy uses the words, 'The State shall endeavour' and the endeavour appears to have brought minus results so far. It is, therefore, expedient that there ought to be some time limit to do the needful, failing which a talent-based Government may be formed by the President.

Hence this Bill.

NEW DELHI;
The 24th April, 1971,

BHARAT SINGH CHAUHAN.

BILL NO. 60 OF 1971

A Bill to prevent cow slaughter in India

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (i) This Act may be called the Prevention of Cow Slaughter Act, 1971.

Short
title and
Com-
mence-
ment.

(ii) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

5 of 1898. (a) "cognizable offence" shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1898;

(b) "cow" includes he-calves and she-calves, bullocks and bulls;

(c) "slaughter" means killing by any means whatsoever and for any purpose.

Ban on Cow slaughter. 3. No person shall kill or cause to be killed a cow for any purpose or at any place in India.

Penalties. 4. Any person who contravenes the provisions of section 3 shall be punishable with imprisonment of either description for a term which may extend to ten years or with fine which may extend to five thousand rupees or with both.

Offence to be cognizable. 5. An offence under this Act shall be a cognizable offence.

STATEMENT OF OBJECTS AND REASONS

Cow has been held in high esteem in India since times immemorial. It is also worshipped in certain parts of India on account of its qualities. Its milk is beneficial for the children and the sick, the bullocks are used in agriculture. The slaughter of cow not only hurts the religious susceptibilities of millions of Indians but it also deprives them of life-saving milk. In order to preserve the cow it is necessary to enact a legislation for the purpose.

Hence the Bill.

BHARAT SINGH CHAUHAN.

NEW DELHI;

The 24th April, 1971

BILL No. 54 OF 1971

A Bill further to amend the Representation of the People Act, 1951

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1971.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 123 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in clause (5),—

Amendment of section 123.

(i) the brackets and words “(other than the candidate himself, the members of his family or his agent)” shall be omitted;

(ii) second proviso shall be omitted;

(iii) explanation shall be omitted.

3. After section 125 of the principal Act, the following new section shall be inserted, namely:—

Insertion of section 125A.

“125A. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to rules made in this behalf under section 169 of this Act, the use of any vehicle or vessel by an elector on election day for the purpose of going to or coming from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll shall be prohibited:

Prohibition of the use of vehicles, etc.

Provided that the use of a vehicle or vessel not propelled by mechanical power shall not be so prohibited.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under sub-section (2) shall be cognizable.

4. After clause (h) of sub-section (2) of section 169 of the principal Act, the following new clause shall be inserted, namely:—

Amendment of section 169.

“(hh) prohibition of the use of vehicles or vessels by electors on election day;”.

STATEMENT OF OBJECTS AND REASONS

Under the present election law, hiring and procuring of vehicles etc. by a candidate or his agent for the purpose of transporting electors to and from polling stations is a corrupt practice. But the fact that electors themselves are free to hire and use vehicles renders the present law practically ineffective. Hiring of vehicles on polling day is a corrupt practice, very widespread now. This has also contributed to increasing the cost of elections abnormally. In order to plug this loophole effectively, steps need be taken to ensure that on election day, all vehicles are off the road, except those engaged in official election work, or for hospitals, police and such other emergency purposes. Suitable rules can be framed to issue vehicle permits on the lines of those issued in times of curfew to *bona fide* vehicle users. This Bill seeks to legislate in this direction.

NEW DELHI;
The 24th April, 1971.

ATAL BIHARI VAJPAYEE,

S. L. SHAKDHER,
Secretary.